

EPA TALKING POINTS FOR SPOKANE TRIBE WATER QUALITY STANDARDS

How did the Tribe develop the 865g/d Fish Consumption Rate (FCR) and 4L/d Drinking Water Intake (DI)?

The Tribe relied on information summarized as part of an exposure ~~assessment~~ assessment contained in The Spokane Tribe's Multipathway Subsistence Exposure Scenario and Screening Level RME of the Midnite Uranium Mine superfund site when developing their FCR (see The Spokane Tribe's Multipathway Subsistence Exposure Scenario and Screening Level RME). ~~The article details the subsistence lifestyle~~, based on:

- open peer reviewed literature,
- ethnographic studies about traditional Spokane lifestyles, and
- confirmatory statements from tribally recognized cultural experts.

The article determined the calories needed for a moderately active adult and the caloric input needed from fish to support the subsistence lifestyle. Additionally, studies indicate the historic FCR (prior to dam construction) was 1000 – 1500 g/d of salmon and other fish.

Why is EPA's approving such a high FCR?

- The Spokane Tribe is a sovereign Nation with the inherent legal authority to set designated uses for surface waters and derive criteria necessary to protect those uses.
- Designated uses are defined as "goals of a waterbody" (whether or not they are being attained) and criteria must be set to meet those designated uses/goals.
- The Tribe established human health water quality criteria intended to ensure that local residents, including those that practice a traditional subsistence lifestyle, can safely consume fish and drinking water from tribal waters on the Reservation.
- The CWA preserves a state's or tribe's inherent legal authority to adopt more stringent criteria than the minimum CWA requirements.
- The CWA provides no upper bound to the stringency of water quality standards it merely requires that criteria be sufficient to protect designated uses.
- The FCR is a reasonable estimate of the caloric input needed from fish necessary to sustain a moderately active subsistence lifestyle. The DI is a reasonable estimate of drinking water needed, given the reservation is located in an arid environment and it supports a moderately active subsistence lifestyle and the traditional daily sweat lodge use.

How would an approval affect stakeholders?

- **These revised standards will assist the Tribe in better regulating the on Reservation facilities that currently discharge into Tribal waters which include the Wellpinit Wastewater Lagoon, the Spokane Tribal Fish Hatchery, and the Midnite Mine superfund site.**
- The majority of revised human health criteria will have no effect on businesses and communities located upstream of the Spokane Reservation because either (1) the facilities do not discharge the pollutant, (2) the facility discharges the parameter but there is significant dilution available in Idaho and Washington waters such that the pollutant will not impact the Reservation waters, or (3) the aquatic life criteria that are currently in place are more stringent (e.g., most metals and some pesticides), and will be the applicable criteria for regulatory purposes.

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- PCBs and Dioxin
 - ~~Some~~Primary pollutants of concern for ~~certain~~all upstream dischargers are PCBs and possibly dioxin.
 - The Tribe's 2003 Human Health Criteria ("HHC")~~HC~~ already pushed criteria values below the current analytical detection level for PCBs (and many other pollutants) – 865g/d will not likely affect NPDES or TMDL values in the foreseeable future.
 - The difference between the 2003 and 2010 criteria are so small they cannot be measured using current analytical methods.
 - Since the difference between the 2003 and 2010 criteria changes are so small for PCBs and dioxin, it is highly unlikely that dischargers would need to add any additional treatment processes or technology changes that would not have been needed by the Tribe's 2003 criteria.
- The 2010 WQS also contains a new mixing zone (MZ) policy, ~~which is needed to allow MZs for the Midnite Uranium Mine superfund site located on Reservation. Without the MZ, the new treatment facility cannot start operation. R10 proposes to approve the new MZ policy.~~